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DATE FILED: 6/8/22

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PABLO GARCIA,

Petitioner,

MOTION FOR EXTENSION
OF TIME AND/OR STAY
AND ABEYANCE

-against-

MEMO ENDORSED

21 Civ. 07879 (ALC)

J. COLLADO, Superintendent,
Shawangunk Correctional Facility,
Respondent.

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COMES NOW Petitioner, Pablo Garcia, respectfully requests
for this Court to grant him an extension and/ or Stay and
Abeyance to file a reply to the Respondent's Declaration in
Opposition and/ or amend petitioner's habeas corpus petition.
In support of this request, Petitioner states as follows:

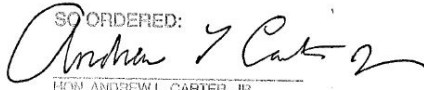
1. Respondent's response of a Declaration in Opposition was
filed on or about December 16, 2021.
2. Petitioner respectfully requests an extension because
Petitioner is still awaiting the judgment on his writ of Error
Coram Nobis in the State Court; in which, after four extensions
that has been provided to the District Attorney, the District
Attorney filed their response on April 11, 2022 (copies of
letters enclosed). Therefore, the State Court has not yet made
their verdict on the writ of error coram nobis, OR
3. Petitioner respectfully requests a Stay and Abeyance
not only in anticipation of the judgment for the coram nobis,
in which Petitioner just recieved the response on April 11th;
but also because Petitioner has unexhausted claims in the State
Court including an "ineffective assistance of trial counsel" and
an "Actual Innocence" claim that will be implemented in a 440-

motion that petitioner's counsels are filing with the State Court.

4. Petitioner respectfully requests this extension, as this is Petitioner's second request for an extension.

For the foregoing, Petitioner prays this Court grants the requested relief. He further prays for any other and further relief which the Court may deem just and proper under the circumstances.

Petitioner is granted a final extension. Reply due by August 3, 2022. If no reply is received by August 3, the Court will consider the petition fully submitted. The Clerk of Court is respectfully directed to serve this order upon pro se Plaintiff.

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

6/8/22

RESPECTFULLY SUBMITTED,
